

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KYLE LEE PAYMENT,

Plaintiff,

v.

RYAN SIEGLER et al.,

Defendants.

CASE NO. C13-5496 RBL-JRC

ORDER GRANTING PLAINTIFF AN
EXTENSION TO FILE A RESPONSE
TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff asks for additional time to file a response to defendants' pending motion for summary judgment (Dkt. 41). Defendants oppose the motion and contest plaintiff's assertion that he was not able to view all of the DVD that defendants submitted as evidence supporting their motion for summary judgment (Dkt. 42-44).

Local Rule 7(j) states:

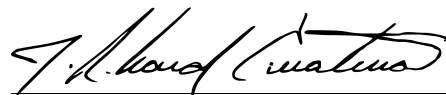
1 A motion for relief from a deadline should, whenever possible, be filed
2 sufficiently in advance of the deadline to allow the court to rule on the motion
3 prior to the deadline. Parties should not assume that the motion will be granted
4 and must comply with the existing deadline unless the court orders otherwise.

5 If a true, unforeseen emergency exists that prevents a party from meeting a
6 deadline, and the emergency arose too late to file a motion for relief from the
7 deadline, the party should contact the adverse party, meet and confer regarding an
8 extension, and file a stipulation and proposed order with the court. Alternatively,
9 the parties may use the procedure for telephonic motions in LCR 7(i). It is
10 expected that if a true emergency exists, the parties will stipulate to an extension.

11 While plaintiff did not file his motion in time for it to be considered before the deadline,
12 plaintiff is a pro se inmate who is housed in an intensive management setting where access to
13 court rules may be limited. The Court will grant plaintiff's motion. Plaintiff will have until
14 March 28, 2014, to file his response to defendants' motion. The Court notes that defendants have
15 informed plaintiff of the possible consequences of failing to properly respond to a motion for
16 summary judgment (Dkt. 26).

17 The Court re-notes defendants' motion for summary judgment for consideration on April
18 11, 2014.

19 Dated this 18th day of March, 2014.

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J. Richard Creatura
United States Magistrate Judge